

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DIRECT INVESTMENT PARTNERS AG,

Plaintiff,

-against-

CERBERUS GLOBAL INVESTMENTS, LLC,
CERBERUS CAPITAL MANAGEMENT, L.P.,
CERBERUS PARTNERS, L.P., and CERBERUS
GLOBAL INVESTMENT ADVISORS, LLC,

Defendants.

07 Civ. 3310 (LLS) (RLE)

FILED VIA ECF

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the Memorandum of Law in Support of Defendants' Motion to Dismiss, dated July 27, 2007, the Declaration of Thomas E. Redburn, Jr. in Support of Defendants' Motion to Dismiss, sworn to July 27, 2007, and upon all of the pleadings and proceedings previously had herein, Defendants Cerberus Global Investments, LLC, Cerberus Capital Management, L.P., Cerberus Partners, L.P., and Cerberus Global Investment Advisors, LLC (collectively, "Defendants") will move this Court before the Honorable Louis L. Stanton, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, on October 12, 2007, at 9:30 a.m. or at such other time as the Court may direct, for an order granting Defendants' motion to dismiss the Complaint in this action and granting such other and further relief as this Court may deem just and proper.

Dated: July 27, 2007

LOWENSTEIN SANDLER PC

By: s/ Lawrence M. Rolnick

Lawrence M. Rolnick (LR-0546)
Thomas E. Redburn, Jr. (TR-3902)
James I. Lee (JL-0459)
1251 Avenue of the Americas
18th Floor
New York, New York 10020
Tel: 212.262.6700
Fax: 212.262.7402
-and-
65 Livingston Avenue
Roseland, New Jersey
Tel: 973.597.2500
Fax: 973.597.2400

*Attorneys for Defendants Cerberus Global
Investments, LLC, Cerberus Capital
Management, L.P., Cerberus Partners, L.P.,
and Cerberus Global Investment Advisors,
LLC*

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NOTICE OF MOTION

LOWENSTEIN SANDLER PC

Attorneys at Law
1251 Avenue of the Americas
21st Floor
New York, NY 10020
Tel: (212) 262-6700
Fax: (212) 262-7402

and

65 Livingston Avenue
Roseland, NJ 07068
Tel: (973) 597-2500
Fax: (973) 597-2400

